

Message Text

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TO SECSTATE WASHDC 4405

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E.O. 11652: N/A

TAGS: PINT, GH

SUBJ: KOFI AWOONOR'S TRIAL

REF: ACCRA 6376

1. EMBASSY OFFICER ATTENDED SEPTEMBER 15 SESSION OF KOFI AWOONOR'S TRIAL ON CHARGES OF HARBORING FUGITIVE AND HELPING FUGITIVE TO ESCAPE.

WHILE SESSION WAS MARKED BY LEGAL WRANGLING BETWEEN DEFENSE PROSECUTION AND PRESIDING JUDGE, THE PROSECUTION DID MANAGE TO FINISH PRESENTING ITS CASE.

2. DURING RECESS, AWOONOR'S CHIEF DEFENSE ATTORNEY INFORMED EMBASSY OFFICER THAT PROSECUTION HAS PRESENTED SUCH A WEAK CASE THAT HE WILL MAKE A MOTION OF NO CASE AND MOVE THAT CHARGES AGAINST AWOONOR BE DISMISSED. (MANY OF ARGUMENTS MADE BY DEFENSE DURING THIS SESSION SEEMED TO BE DESIGNED TO LAY GROUNDWORK FOR SUCH A MOVE.) HOWEVER, IF THE COURT FINDS THAT PROSECUTION'S CASE IS SUFFICIENTLY STRONG. AWOONOR'S ATTORNEY WILL PROBABLY LIMIT HIS DEFENSE TO THE RECALL OF SEVERAL PROSECUTION WITNESSES FOR RE-EXAMINATION. HE WILL PROBABLY NOT PUT AWOONOR ON STAND TO TESTIFY.

3. THAT GOVERNMENT IS SENSITIVE ABOUT THIS CASE WAS DEMONSTRATED AS EMBASSY OFFICER LEFT TRIAL. WHILE WALKING TOWARDS CAR, HE WAS CONFRONTED BY PLAIN-CLOTHES POLICEMAN WHO DEMANED TO SEE HIS IDENTIFICATION PAPERS. WHEN ASKED WHY, POLICEMAN RESPONDED THAT

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HE WANTED TO KNOW WHO WAS TAKING NOTES AT TRIAL. AFTER BEING

SHOWN DIPLOMATIC IDENTITY CARD, HE APOLOGIZED AND SAID THAT SOME PEOPLE WERE NOT WRITING THE TRUTH ABOUT THE TRIAL. HE WOULD NOT SAY WHO THESE PEOPLE WERE OR WHERE THEY WERE PUBLISHING UNTRUTHS.

4. COMMENT: AWOONOR'S ATTORNEY'S CAUTIOUS OPTIMISM THAT HE COULD SUCCESSFULLY ARGUE A PLEA OF NO CASE IS PROBABLY UNWARRANTED -- IT IS UNLIKELY THAT A COURT WOULD RELEASE AN INDIVIDUAL WHO HAS BEEN TIED EVEN TANGENTIALLY TO A COUP PLOT. NEVERTHESS, IT IS LIKELY AWOONOR WILL RECEIVE A LIGHT SENTENCE. THIS PREDICTION IS BASED ON: (A) THE PROSECUTION'S RATHER HALF-HEARTED APPROACH TO THE CASE; (B) THE INTERNATIONAL ATTENTION THAT THE CASE HAS ATTRACTED, AND (C) REMARKS MADE BY THE JUDGE IN OPEN COURT WHEREIN HE QUESTIONED THE PROPRIETY OF THE GOVERNMENT HOLDING AWOONOR IN DETENTION FOR FOUR AND ONE-HALF MONTHS BEFORE FORMALLY CHARGING HIM WITH A CRIME AND THE PROPRIETY OF AWOONOR BEING DENIED ACCESS TO AN ATTORNEY DURING THIS TIME. THIS KIND OF SYMPATHY FROM THE BENCH IS A PARTICULARLY GOOD SIGN FOR AWOONOR. SINCE THE JUDGE IN THIS CASE IS ALSO THE JURY.
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